

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,112,514
Issued : September 5, 2000
Application No. : 09/159,634
Filed : September 24, 1998
For : Fan Noise Reduction From Turbofan Engines Using Adaptive Herschel-Quincke Tubes

**PETITION TO RESTART THE PERIOD FOR RESPONSE
SET IN THE DECISION MAILED 30 APRIL 2012**

Mail Stop Petition
Commissioner for Patents P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition requesting restart of the period for response set in the Decision mailed 30 April 2012 in the above identified patented file.

Attached as Exhibit A is a copy of the first page of the 07 May 2012 document in the file of U.S. Patent No. 6112,514 (hereinafter the '514 patent) showing the Decision mailed 30 April 2012 was returned to the U.S. Patent and Trademark Office (USPTO) marked "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD."

During a status check of the Petition on 27 September 2012, undersigned attorney (Richard Lazarus) for Petitioner discovered the 30 April 2012 Decision and that it had been returned to sender and immediately began investigation to ascertain why the Decision had not been received by Richard Lazarus or by Petitioner, Virginia Tech Intellectual Properties, Inc. (VTIP) or by the Whitham firm.

The investigation reveals the 30 April 2012 Decision was sent to Whitham Curtis & Whitham at 11800 Sunrise Valley Drive, Suite 900, Reston, VA 20191. This address is no longer the address of the Whitham firm. Exhibit B is a copy of the USPTO address listing

for the Whitham firm that was found by searching the USPTO database of attorneys for the Whitham firm in Virginia and by selecting one of the listed names (Michael Whitham) associated with the Whitham firm. As seen in Exhibit B the firm address is 11491 Sunset Hills Rd Ste 340, Reston, Va 20190. It is not known why the US Postal Service did not forward the Decision. On 28 September Richard Lazarus spoke with Senior Attorney Paul Shanoski who confirmed that the Decision and not been forwarded to Richard Lazarus or to VTIP or to the Whitham firm.

MPEP § 707.13 urges that a returned office action should be resent with the period being restarted. Previous versions of MPEP § 707.13 cite *Ex Parte Gourtoff*, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924) which similarly encourages remailing to a corrected address with the period for response being reset.

Both Richard Lazarus and members of the Whitham firm maintain up to date contact information as required by 37 CFR 11.11 (the USPTO Rules). A copy of the USPTO contact information for Richard Lazarus accompanies this Petition as Exhibit C.

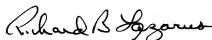
It is submitted that upon receipt of the returned Decision on 07 May 2012 the Decision should have been notified to Richard Lazarus using the USPTO's contact information (Exhibit C). The Petition filed 23 January 2012 was signed by Richard Lazarus over his registration number and the Petition ends on the signature page with the statement "Any remaining questions may be directed to the undersigned." Thus the Petition included a statement that Richard Lazarus may be contacted for issues related to the Petition. The Petition also includes Declarations by Mark Coburn (representative of VTIP) and by Michael Whitham (attorney at the Whitham firm). Apparently no attempt was made to contact any of Richard Lazarus, Mark Coburn and Michael Whitham and it is submitted that if the Decision had been notified to Richard Lazarus then review of the issues in the Decision could have begun. In accordance with USPTO policy the return of the Decision to the USPTO should have been sufficient to warrant notification to Richard Lazarus of the returned Decision so that a response to the Decision could have begun.

It is requested that the period set in the 30 April 2012 Decision be restarted and that the date of the restarted Decision be communicated to Richard Lazarus at the address indicated in Exhibit C.

The Commissioner is hereby authorized to charge any maintenance fees, surcharges, or any required additional fees, or credit any overpayment, to Deposit Account No. 02-1010, referencing Docket No. 55820-49375.

Please direct the response to this Petition to the undersigned.

Respectfully submitted,



Richard B. Lazarus
Reg. No. 48,215

Barnes & Thornburg LLP
1717 Pennsylvania Ave. NW, Suite 500
Washington, DC 20006

Telephone 202-289-1313

Attachments: First page of the 07 May 2012 returned document (copy attached as Exhibit A)

USPTO address listing for the Whitham firm (copy attached as Exhibit B)

USPTO address listing for Richard Lazarus (copy attached as Exhibit C)

Exhibit A

(First page of the 07 May 2012 returned document)

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If Undeliverable Return in Ten Days

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0004244875 MAY 01 2012
MAILED FROM ZIP CODE 22314

RECEIVED
OFFICE OF PETITIONS
MAY 16 2012

RECEIVED

MAY 07 2012

USPTO MAIL CENTER

NIXIE 720 DE 1 00 05/03/12
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 22313145050 *1892-06131-01-39

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22313 @P256

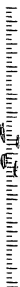


Exhibit B

(USPTO address listing for the Whitham firm)



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Last Name	Whitham
First Name	Michael
Middle Name	E
Suffix	
Firm Name	Whitham, Curtis, Christofferson & Cook PC
Address	11491 Sunset Hills Rd Ste 340
City	Reston
State/Province	VA
Postal Code	20190
Country	US
Primary Telephone	(703) 787-9400
Registration Number	32635
Attorney/Agent	ATTORNEY
Date Registered as Agent	06/10/1987
Date Registered as Attorney	01/29/1991

Data extracted on Thu Sep 27 16:05:06 EDT 2012

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Exhibit C

(USPTO address listing for the Richard Lazarus)



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Last Name	Lazarus
First Name	Richard
Middle Name	B
Suffix	
Firm Name	Barnes & Thornburg LLP
Address	1717 Pennsylvania Avenue, NW Suite 500
City	Washington
State/Province	DC
Postal Code	20006
Country	US
Primary Telephone	(202) 371-6348
Registration Number	48215
Attorney/Agent	ATTORNEY
Date Registered as Attorney	08/14/2001

Data extracted on Thu Sep 27 16:10:35 EDT 2012

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